

FACSIMILE COVER SHEET

Mayer, Brown, Rowe & Maw LLP
190 S. LaSalle Street
Chicago, Illinois 60603-3441

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Main fax: (312) 701-7711

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|---------------|---------------------|------------|--------------------------------------|
| FROM: | Christine M. Rebman | Date/time: | Monday, January 12, 2004 10:21:58 AM |
| Direct phone: | 312-701-8877 | Pages: | 23 |
| Direct fax: | 312-706-8361 | | ALL PAGES MUST BE NUMBERED |

TO THE FOLLOWING:

| Name | Company | Fax # | Phone # |
|----------------|---------|----------------|---------|
| Jeffrey Mullis | | 1-571-273-1075 | |

MESSAGE:

U.S. Appl. Serial No. 09/552,994. Filed: April 21, 2000. Our Ref.

No. 03028011. Response to January 30, 2003 office action. Resent on

1/12/04.

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for
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THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS BY MAIL. THANK YOU.

IF YOU HAVE ANY TRANSMISSION DIFFICULTY,
PLEASE CONTACT THE FACSIMILE DEPARTMENT AT (312) 701-7981

Brussels Charlotte Chicago Cologne Frankfurt Houston London Los Angeles Manchester New York Palo Alto Paris Washington, D.C.
Independent Mexico City Correspondent: Jauregui, Navarrete, Nader y Rojas, S.C.

Mayer, Brown, Rowe & Maw LLP operates in combination with our associated English limited liability partnership in the offices listed above.

| | | |
|---|----------------------|--------------------|
| Request For Continued Examination (RCE) Transmittal Address to: Mail Stop: RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Application Number | 09/552,994 |
| | Filing Date | April 21, 2000 |
| | First Named Inventor | R. Eric MONTGOMERY |
| | Art Unit | 1711 |
| | Examiner Name | Jeffrey C. MULLIS |
| | Attorney Docket No. | 03028011 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. SUBMISSION REQUIRED UNDER 37 CFR 1.114

a. ☒ Previously submitted

- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on June 30, 2003
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other.

b. ☒ Enclosed

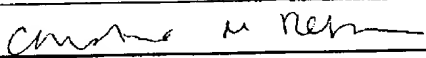
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Request for one-month extension of time


2. MISCELLANEOUS

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other:

2. FEES The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 13-0019.
 - i. ☐ RCE fee required under 37 CFR 1.17(e)
 - ii. ☐ Extension of time fee (37 CFR 1.17(e))
 - iii. ☐ Other:
- b. ☒ Check in the amount of \$860.00 is enclosed.

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT OF RECORD | | |
|--|---|-------------------------|
| Name | Christine M. Rebman | Registration No. 50,546 |
| Signature |  | Date: July 30, 2003 |

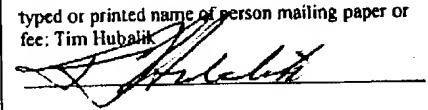
| CERTIFICATE OF MAILING BY "EXPRESS MAIL" [37 CFR 1.10] | |
|---|---|
| I hereby certify that this correspondence is being deposited with the United States Postal Service "express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated below, and is addressed to MAIL STOP: RCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, Alexandria, VA 22313-1450. | |
| DATE OF DEPOSIT: July 30, 2003 | EXPRESS MAIL LABEL NO. EL 989700964 US |
| NAME OF PERSON MAILING PAPER: Tim Hubalik | Signature:  |

PATENT
Attorney Docket No. 03028011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
R. Eric MONTGOMERY) Group Art Unit: 1711
Application No. 09/552,994) Examiner: J. MULLIS
Filed: April 21, 2000)
For: LOW PEAK EXOTHERM)
CURABLE)
COMPOSITIONS)

CERTIFICATE OF MAILING BY
"EXPRESS MAIL"
"Express Mail" mailing label number
EL 989700964 US
Date of Deposit: July 30, 2003
I hereby certify that this paper or fee is being
deposited with the United States Postal Service
"Express Mail Post Office to Addressee" under 37
CFR 1.10 on the date indicated above and is
addressed to COMMISSIONER FOR PATENTS,
P.O. BOX 1450, ALEXANDRIA, VA 22313-1450
typed or printed name of person mailing paper or
fee: Tim Hubalik



TRANSMITTAL LETTER

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

Enclosed herewith are the following for the above-captioned application:

1. Request for Continued Examination (RCE) Transmittal;
2. Petition for one month extension of time;
3. Check in the amount of \$860.00 and
4. Return receipt postcard.

The Commissioner is hereby authorized to charge any additional filing fees required under Rule 1.17 concerning this transaction, or to credit any overpayment to Deposit Account 13-0019.

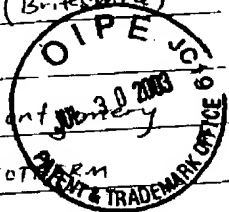
Respectfully submitted,


Christine M. Rebman
Reg. No. 50,546

Date: July 30, 2003

MAYER, BROWN, ROWE & MAW LLP
P.O. Box 2828
Chicago, Illinois 60690-2828
Telephone: (312) 701-7174
Facsimile: (312) 706-9000

| | | | |
|---|--|-----------------------------------|-------------------------------|
| <input type="checkbox"/> | Application (TM/ITU/PAT) | <input type="checkbox"/> | Request for Extension of Time |
| <input type="checkbox"/> | Fee to Deposit Acct. | <input type="checkbox"/> | () Specimens |
| <input type="checkbox"/> | Recordal Documents | <input type="checkbox"/> | 8 & 15 Affidavit |
| <input type="checkbox"/> | Statement of Use | <input type="checkbox"/> | Renewal Appln. |
| <input type="checkbox"/> | Maintenance Fee | <input type="checkbox"/> | Cover Letter |
| <input checked="" type="checkbox"/> | Other (specify) <u>Response to Office Action</u> | | |
| <u>Transmittal Letter with Certificate of Mailing (2 pages)</u> | | | |
| <u>Amendment Transmittal (2 pages)</u> | | | |
| <u>Amendment + Response to Office Action of Jan. 30, 2003 (8 pages)</u> | | | |
| <u>Check in the amount of \$410.00 for 2-month extension of time.</u> | | | |
| File No. <u>03028011</u> (Brickmire) | | | |
| Attorney <u>JAM CMR</u> | | | |
| Applicant <u>Robert Eric Montgomery</u> | | | |
| Mark/Title <u>LOW PEAK EXOTICISM</u> | | | |
| <u>CURABLE COMPOSITIONS</u> | | | |
| U.S.S.N. <u>09/552 994</u> | | | |
| Fee Amount <u>\$410.00</u> | | Deposit Acct. Used <u>Y</u> (N) | |
| Due Date <u>June 30, 2003</u> | | Mailing Date <u>June 30, 2003</u> | |



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07/30/03 - 12:26 PM
Date/time Form Submitted
7/30/03 - 10:30PM
Date/Time Delivery Required

Vanessa Quail 2069B
Sender [10500/VAQ] **Office Location**
 Express Mail (PO to Addressee) [103]
Class of Service

2069B
Office Location

8931
Extension
US Mail
Other

03028011
Matter/Charge No.
Charge

PICKUP FROM:

DELIVER TO:
MAIL STOP: RCE
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

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▼ PLEASE SIGN AT BOTH X'S ▼

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|-----------------------------|--|--|-----------|-------------------|--------|
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| 07/30/03 - 12:26 PM | Vanessa Quail | 2069B | 8931 | 03028011 | 254874 |
| Date/Time Form Submitted | Sender [10500/YAQ] | Office Location | Extension | Matter/Charge No. | |
| 7/30/03 - 10:30PM | Express Mail (PO to Addressee) [103] | | US Mail | | |
| Date/Time Delivery Required | Class of Service | | Other | Charge | |
| PICKUP FROM: | | DELIVER TO: MAIL STOP: RCE COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22304-1450 | | | |
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PAGE 20/23

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|---|---|---|---|---|--|--------------------|--|
| PO ZIP Code | | Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/> | | Full Rate Envelope <input type="checkbox"/> | | Employee Signature | |
| Date in | Mo. Day Year | | <input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM | Postage | | Employee Signature | |
| Time in | Mo. Day Year | | <input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day | Return Receipt Fee | | Employee Signature | |
| Weight | AM <input type="checkbox"/> PM <input type="checkbox"/> | | <input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day | COD Fee | | Employee Signature | |
| No Delivery <input type="checkbox"/> Yes <input type="checkbox"/> | | Acceptance Clerk Initials | | Insurance Fee | | Employee Signature | |
| No Delivery <input type="checkbox"/> Yes <input type="checkbox"/> | | Total Postage & Fees | | Insurance Fee | | Employee Signature | |
| FROM: PLEASE PRINT MOBILE PHONE: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ | | | | TO: PLEASE PRINT MOBILE PHONE: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ | | | |
| MAIL STOP: RCE COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450 | | | | MAIL STOP: RCE COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450 | | | |

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|---|--|--|--|
| MAYER, BROWN, ROWE & MAW LLP 190 SOUTH LA SALLE STREET CHICAGO, ILLINOIS 60603 | | No 79254 70-2328 719 | |
| BANK OF AMERICA ILLINOIS PAY | | CHECK NO. 79254 DATE 7-30-2003 AMOUNT \$800.00 | Mayer, Brown, Rowe & Maw LLP \$800.00 |
| TO THE ORDER OF Eight Hundred and no/100 Dollars Commission for [Signature] | | \$800.00 03028011 | |
| #079254# 0071923284# 87656#63350# | | | |
| REMITTANCE ADVISE DATE 7-30-03 | | ATTACHED IS OUR CHECK IN FULL SETTLEMENT OF ITEMS SHOWN HEREON. IF NOT CORRECT, PLEASE RETURN WITH EXPLANATION. DESCRIPTION RCE # 1 M 50 03028011 — | |
| DATE 7-30-03 | | AMOUNT OF INVOICE \$800.00 NET \$800.00 | |

DETACH BEFORE DEPOSITING

MAYER, BROWN, BROWNE & MAW LLP
CHICAGO, ILLINOIS 60603

| | |
|--|--|
| <input type="checkbox"/> Application (TM/ITU/PAT) | <input type="checkbox"/> Request for Extension of Time |
| <input type="checkbox"/> Fee to Deposit Acct. | <input type="checkbox"/> () Specimens |
| <input type="checkbox"/> Recordal Documents | <input type="checkbox"/> 8 & 15 Affidavit |
| <input type="checkbox"/> Statement of Use | <input type="checkbox"/> Renewal Appln. |
| <input type="checkbox"/> Maintenance Fee | <input type="checkbox"/> Cover Letter |
| <input checked="" type="checkbox"/> Other (specify) <u>RCE</u> | |

- Transmittal Letter with Certificate of Mailing (2 pages)
- RCE (1 page)
- Request for one-month extension of time (1 page)
- Check in the amount of \$860⁰⁰

File No. 03028011 (Britesmile)

Attorney JAM CMR

Applicant R. ERIC MONTGOMERY

Mark/Title LOW PEAK EXOTHERM
CURABLE COMPOSITIONS

U.S.S.N.

Fee Amount \$860⁰⁰

Deposit Acct. Used Y (N)

Due Date

July 30, 2003

Mailing Date

July 30, 2003

EXPRESS MAIL: EL 989700964 US

03028011

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|--|--|
| <input type="checkbox"/> Application (TM/ITU/PAT) | <input type="checkbox"/> Request for Extension of Time |
| <input type="checkbox"/> Fee to Deposit Acct. | <input type="checkbox"/> () Specimens |
| <input type="checkbox"/> Recordal Documents | <input type="checkbox"/> 8 & 15 Affidavit |
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| <input type="checkbox"/> Maintenance Fee | <input type="checkbox"/> Cover Letter |
| <input checked="" type="checkbox"/> Other (specify) <u>RCE</u> | |

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- RCE (1 page)
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- Check in the amount of \$860⁰⁰

File No. 03028011 (D.I.P. Encl.)

Attorney JAM CMR

Applicant R. ERIC MONTGOMERY

Mark/Title LOW PEAK EXOTIC & TRADEMARK OFFICE
CURABLE COMPOSITIONS

U.S.S.N. _____

Fee Amount \$860⁰⁰ Deposit Acct. Used Y (N)

Due Date July 30, 2003 Mailing Date July 30, 2003

EXPRESS MAIL: EL 989700964 US